

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ATHEAL PIERCE,

Debtor/Appellant,

DISTRICT COURT
APPELLATE CASE NO.
05-CV-1014

vs.

CURTIS C. REDING,
Chapter 13 Trustee,

CHAPTER 13 CASE NO.
05-31205-DHW.13

Appellee,

**ON APPEAL TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA FROM THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

TRUSTEE/APPELLEE MOTION TO DISMISS APPEAL

COMES NOW, the Trustee in the above styled cause, Appellee in the above-referenced appeal, by and through the undersigned counsel, and moves this Honorable Court to dismiss the Debtor/Appellant's appeal and as grounds therefore states as follows:

1. The debtor's appeal is not timely filed pursuant to *Rule 8002 Federal Rules of Procedure*.
2. The debtor did not file his designation for the record on appeal in a timely manner pursuant to *Rule 8006 Federal Rules of Procedure*.
3. The debtor did not pay the filing fee for the appeal to the Clerk of the Bankruptcy Court.

Respectfully submitted this 28th day of October 2005.

CURTIS C. REDING, JR.
STANDING CHAPTER 13 TRUSTEE

BY: /s/ Sabrina L. McKinney
SABRINA L. MCKINNEY (MCK041)
Alabama State Bar #ASB-3162-I71S
STAFF ATTORNEY FOR THE TRUSTEE

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have mailed a copy of the foregoing TRUSTEE'S MOTION TO DISMISS APPEAL upon the following listed parties by placing a copy of same in the United States Mail, postage pre-paid and properly addressed this 28th day of October 2005.

/s/ Sabrina L. McKinney
SABRINA L. MCKINNEY

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Teresa R. Jacobs
Bankruptcy Administrator
U.S. Bankruptcy Court
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